

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EVEREADY BATTERY CO., INC.,)	
)	
Plaintiff,)	
v.)	CASE NO. 4:10-CV-01055-CEJ
)	
CB DISTRIBUTORS, INC., ET AL.)	JURY TRIAL DEMANDED
)	
Defendants.)	

NOTICE OF DISMISSAL

COMES NOW Plaintiff Eveready Battery Co., Inc., by and through its counsel and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), and files this notice of dismissal of Counts I –VI without prejudice. Plaintiff's dismissal is timely as Defendants have yet to answer or file a motion for summary judgment. A copy of the Confidential Settlement Agreement between the parties is filed under seal as Exhibit 1 to Plaintiff's Amended Complaint. (D/E 27).

Respectfully submitted,

THOMPSON COBURN LLP

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2010, a true and correct copy of the foregoing was served via the Court's Electronic Filing System upon the following:

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